

REMARKS

I. Status

The Office Action indicates claims 1, 2, 4-6, 8-33, 35-37, and 39-62 to be pending in this Application. With this response, claims 1, 16, 17, 29, 31, 32, 47, 48, 60, and 62 are amended. No new matter has been added.

Claims 1, 2, 4-6, 8-15, 32, 33, 35-37, and 39-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly (U.S. Patent No. 5,740,549) and Caplan (U.S. Patent Application Publication No. 2003/0050834).

Claims 16 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Caplan, and Wong (U.S. Patent No. 5,542,115).

Claims 17-30 and 48-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Caplan, and Lagimonier (U.S. Patent Application Publication No. 2003/0041265).

Claims 31 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly, Caplan, Lagimonier, and Wong.

Claims 1, 17, 32, and 48 are independent.

II. Amendment of Independent Claims 1, 17, 32, and 48

With this response, Applicants amend claims 1, 17, 32, and 48. No new matter has been added.

Applicants respectfully submit that the cited references, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... determining to monitor, at the apparatus, for an event of one or more nodes, corresponding to holdings in an address book maintained by the apparatus, coming nearby ...”

as set forth in each of claims 1 and 17 as amended herewith (emphasis added), and as similarly set forth in each of claims 32 and 48 as amended herewith.

As another example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“... determining to monitor, at an apparatus, for an event of association of one or more messages with one or more specified criteria, wherein the messages are received, at the apparatus, from a first node separate from the apparatus to be passed through to a second node separate from the apparatus ...”

as set forth in claim 1 as amended herewith (emphasis added), and as similarly set forth in claim 32 as amended herewith.

As an additional example, the cited references, taken individually or in combination, fail to disclose, teach, or suggest:

“... determining to maintain, at an apparatus, a number of authenticated connections to at least a first node and a second node, wherein the first node and the second node are nodes in a peer-to-peer environment, and wherein the first node and the second node are separate from the apparatus;

receiving, at the apparatus from the first node, via one or more of said authenticated connections, one or more messages to be passed through to the second node; [and]

determining to monitor, at the apparatus, for an event of association of one or more of the messages with one or more specified criteria ...”

as set forth in claim 17 as amended herewith (emphasis added), and as similarly set forth in claim 48 as amended herewith.

Applicants respectfully observe, for example, that cited paragraph [0078] of Caplan fails, for instance, to disclose, teach, or suggest that the centralized server of Caplan receives messages from a first node separate from the centralized server to be passed through to a second node separate from the centralized server, and instead merely discusses the centralized server backing up peer-to-peer intercasting:

“[t]he disclosed invention utilizes a robust peer-to-peer Internet standard comprising TCP/IP, HTTP and port 80 as well as other ports on an application determined basis. SQL database technology can be utilized for storage windows media player for digital streaming across a peer-to-peer network for intercasting with in one embodiment but not limited to a centralized server for backing up the peer-to-peer intercasting”
(see Caplan paragraph [0078]; emphasis added).

As another example, Applicants respectfully observe that cited paragraph [0079] of Caplan fails, for instance, to disclose, teach, or suggest that the central facilitator of Caplan receives messages from a first node separate from the central facilitator to be passed through to a second node separate from the central facilitator, and instead merely discusses the central facilitator coordinating operations:

“[t]he disclosed invention’s peer-to-peer systems go hand-in-hand with decentralized systems. In a fully decentralized system, not only is every host an equal participant, but there are no hosts with special facilitating or administrative roles. In practice, building fully decentralized systems can be difficult, and many peer-to-peer applications take hybrid approaches to solving problems. The disclosed peer-to-peer applications presents a decentralized face while relying on a, as needed, central facilitator to coordinate operations which is achievable in one embodiment of the disclosed invention. For example, the disclosed invention’s file sharing is decentralized”
(see Caplan paragraph [0079]; emphasis added).

In view of at least the foregoing, Applicants respectfully submit that claims 1, 17, 32, and 48 at least with the amendments herewith, as well as those claims that depend therefrom, are in condition for allowance.

III. Official Notice

Applicants respectfully observe, for example, that the Office Action, states that:

“[t]he combination of Reilly, Caplan, and Lagamonier described above does not explicitly teach: passing the message through to a second of said nodes. However, Caplan discloses: ‘Peer-to-peer network operating systems allow users to share devices, files with any networked computer. Files storage and application activity in peer-to-peer networks do not require any single server. Any node on the network can share its drives and environment while running application programs,’ (paragraph [0111] on page 9). It would have been obvious for one of ordinary skill in the art at the time of the applicant’s invention to pass the message through to a second of said nodes”
(see Office Action p. 9).

Applicants do not believe the Office Action to be taking any Official Notices.

However, should the Office Action be taking any Official Notices, with regard to each of any such Official Notices Applicants respectfully submit that they do not believe the indicated matter, at least at the time of filing of the present application, to have been “common knowledge,” “well known in the art,” or the like.

Applicants respectfully disagree with each of any such Official Notices taken by the Office Action, and hereby seasonably traverse each of any such Official Notices taken by the Office Action in accordance with MPEP, section 2144.03. Accordingly, Applicants respectfully request that each of any such Official Notices be withdrawn or supporting evidence be provided.

IV. Dependent Claim Rejections

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

(Continued on next page)

CONCLUSION

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 504827, Order No. 1004289.131US (4208-4139).

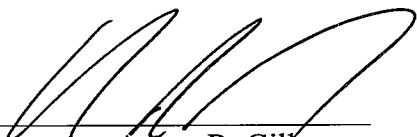
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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Dated: September 4, 2009

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